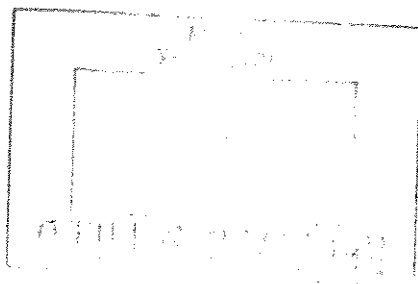


Extra Vote #7  
11/13/06



To: Acton Board of Selectmen

From: Greg Niemyski, Chair, Acton Planning Board

Subj: Application: Special permit for Telecommunications Facility  
Applicant: Verizon Wireless  
Location: 820 Main Street  
Hearing: Beginning on 11/28/06

Date: November 6, 2006

Given that the Planning Board has lost 2 voting members recently due to resignations and that we have only one remaining associate member, the Board is placed into a situation with the pending application (named above) where a quorum of the super majority may be impossible, given the members' employment obligations or other circumstances.

Although I live in the vicinity of the proposed facility, under the rules of 40A, I am not a party in interest in the above application. It is my opinion that I can render an impartial decision on this matter. The application is for a cell tower special permit within a commercial zone on an already developed site supporting an ongoing business. This business operation pre-dates my locating to Acton and the purchase of our home.

It is my opinion that, I will not act in a manner which would cause a reasonable person, having knowledge of the relevant circumstances, to conclude that any person can improperly influence or unduly enjoy my favor in the performance of my official duties, or that I am likely to act or fail to act as a result of kinship, rank, position or undue influence of any party or person.

I would therefore ask that you allow me to continue to chair the Board during these hearings.

Respectfully,



Greg Niemyski

CC: Town Clerk

## draft

want to sign it. Dore' said that we should acknowledge the receipt. Andy said that we say thank you for the memo and we are not interested we are going to continue to respond in our own way. John said that Counsel felt we needed to have something binding, as they don't have to take our comments.

Lauren said the intent of this is to continue to have dialogue about the issues of water at the Grace site.

John suggested that we turn this into a letter to EPA and cc Water District and Aces. The Board agreed this is a good way to handle this and staff was asked to prepare the letter.

**268A DISCLOSURE Planning** Board member Greg Niemyski, sitting on the Special Permit for placement of a cell tower. He has rendered that he could act in a manner of a reasonable person at this hearing. Dore' HUNTER – Moved to acknowledge his sitting on the hearing. LAUREN ROSENZWEIG – second. UNANIMOUS VOTE

### **COMMUNITY PRESERVATION ACT, MUNICIPAL PROJECTS**

Walter outlined the supported CPC applications.

The Board pulled the 17 Woodbury Lane, 468 Main Street House, and NARA Pavilion.

The Archeological Survey, \$35,000, Bruce Freeman, East Acton Village Green, granite street markers \$5,000, NARA Master Plan Development, Elm Street lights, purchase of the 468 Main Street property, open space request, Faulkner Room Ceiling replacement/Repair.

3 Selectmen supported NARA Master Plan, 3 Selectmen supported the Faulkner Ceiling, 1 Selectmen supported the Elm Street Lighting project, and 4 Selectmen supported the purchase of the 468 Main Street House as affordable housing

### **BALL FIELD ADVERTISING SIGNS**

Walter spoke about the ball field policy for signs. The Board had voted that after three years that we would revisit the policy. Three members of the Recreation Commission voted to retain the present policy. LAUREN ROSENZWEIG – Moved that we continue this policy for three more years and revisit it then. PETER ASHTON - second. Walter felt that we should have control of the revenues coming in. Walter said that the Town should not set a precedent. 4- 1 Walter no. Motion Passed.

### **Other Business**

Peter received a packet from the Long Range Planning for the Memorial Library. Peter had planned to attend and he will not be able to attend. Lauren will attend on behalf of the Board.

Dore' informed the Board that the commuter rail committee of MBRA will be having a meeting and he will attend.

Dore' spoke about the Kingman's offer and feels we should do more to thank them, perhaps some public forum for recognition is appropriate. Putting it in the Town Report, and recognition at Town Meeting. Dore' felt we needed to check with them first and then plan to do something.

Andy reminded folks about the meeting to discuss Waste Water and to get reports from the two committees.

Lauren attended the MAGIC issues and noted we have put in our grant application for the shuttle bus

Walter reminded every one that the State of The Town is next week on the 20th.